

Message Text

CONFIDENTIAL

PAGE 01 MANILA 00907 211111Z

43

ACTION EA-10

INFO OCT-01 ISO-00 PM-03 NSC-05 SP-02 SS-15 RSC-01 L-02

CIAE-00 INR-07 NSAE-00 PA-01 USIA-06 PRS-01 /054 W

----- 107029

R 210859Z JAN 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9989

INFO DOD (ISA)

CSAF (JACI)

NAVY JAG WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL

13 AF CLARK AB

3 CSG CLARK AB

C O N F I D E N T I A L MANILA 907

E O 11652: GDS

TAGS: MARR, RP

SUBJ: MBA NEGOTIATIONS - ARTICLE XI

REF: STATE 274566 (1974 SERIES)

1. EMB AGREES THAT RESOLUTION IMMIGRATION QUESTION CAN BE HANDLED BY EXCHANGE OF NOTES WITHOUT AMENDING APRESENT ARTICLE XI. WE HAVE STUDIED USG PROPOSAL (MANILA 4105 AS AMENDED BY STATE 075315 1974 SERIES) WHICH WAS TABLED ON JUNE 17, 1974, AND BELIEVE IMPLEMENTING NOTE CONTAINED THEREIN CAN BE MODIFIED TO MEET NEEDS THIS EXERCISE.

2. EMBOFFS HAVE CONTINUED TO HAVE INFORMAL DISCUSSIONS WITH DFA AND IMMIGRATION OFFICIALS. WE HAVE BEEN INFORMED THAT OVERALL CONCEPT IS PRESENTLY BEING DISCUSSED WITHIN GOP TO FORMULATE THEIR APPROACH.

3. WE ALSO UNDERSTAND THAT IMMIGRATION HAS DRAFTED IMPL-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANILA 00907 211111Z

MENTING ARRANGEMENTS RE: NUMBER OF IMMIGRATION PERSONNEL,

OPERATING RESPONSIBILITY, ETC., AND SUCH IS PRESENTLY BEING REVIEWED WITHIN GOP. WHEN RECEIVED IT WILL BE FORWARDED TO ADDRESSEES FOR COMMENT.

4. WE BELIEVE U.S. DRAFT NOTE SHOULD CONTAIN BROAD GUARANTEES THAT OPERATIONS WILL NOT BE INTERRUPTED OR AFFECTED BY PRESENCE OF IMMIGRATION OFFICERS. IT IS OUR OPINION, HOWEVER, THAT DETAILS OF ARRANGEMENTS FOR PRESENCE AND WORKING CONDITIONS, ETC., SHOULD BE SET FORTH IN SEPARATE AGREEMENT BETWEEN BASE COMMANDERS AND IMMIGRATION BUREAU. THESE CONSIDERATIONS ADDRESSED IN FOLLOWING DRAFT NOTE. EXCEPT FOR OPENING TWO PARAGRAPHS, DRAFT NOTE IDENTICAL TO NOTE TALBED BY U.S. PANEL IN JUNE 1974.

5. QUOTE. IMPLEMENTING NOTE TO ARTICLE XI THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF FOREIGN AFFAIRS OF THE REPUBLIC OF THE PHILIPPINES AND HAS THE HONOR TO REFER TO ARTICLE XI OF THE MILITARY BASES AGREEMENT, AND TO RECENT DISCUSSIONS CONCERNING THE STATIONING OF PHILIPPINE IMMIGRATION OFFICIALS ON UNITED STATES MILITARY BASES AND THE ENTRY AND EXIT OF CERTAIN PERSONS THROUGH SUCH BASES AND THE DOCUMENTS REQUIRED FOR SUCH ENTRY AND EXIT. PARA THE EMBASSY WISHES TO RECORD THE FACT THAT IT AGREES TO THE STATIONING OF SUCH OFFICIALS ON THE BASES, SUBJECT TO THE WORKING OUT OF MUTUALLY AGREED IMPLEMENTING ARRANGEMENTS BETWEEN THE BUREAU OF IMMIGRATION AND AUTHORITIES AT THE BASES. IT IS UNDERSTOOD THAT THE OPERATIONS OF SUCH OFFICIALS WILL NOT SLOW DOWN OR HINDER AIR SCHEDULES AND OTHER FLIGHT OPERATIONS AND ONLY THE NORMAL FEES AND CHARGES, IF ANY, FOR VISAS OR OTHER TRAVEL DOCUMENTS WILL BE ASSESSED BY IMMIGRATION OFFICERS. ADEQUATE NUMBERS OF PERSONNEL WILL BE STATIONED AT THE BASES TO MEET A 24-HOUR SCHEDULE AND TO ALLOW THE EXPEDITIOUS PROCESSING OF INCOMING AND OUTGOING PASSENGERS. THE COSTS OF MAINTAINING SUCH PERSONNEL, EXCEPT AS STATED IN THE AGREEMENT IMPLEMENTING ARRANGEMENTS, WILL BE BORNE BY THE GOVERNMENT OF THE PHILIPPINES. IT IS ALSO UNDERSTOOD THAT PASSENGERS WHO POSSESS THE TRAVEL DOCUMENTS SPECIFIED BY THIS AGREEMENT WILL NOT BE PREVENTED FROM DEPARTING THE REPUBLIC OF THE PHILIPPINES UNLESS THE PROCEDURES NORMALLY UTILIZED UNDER THE INTERNATIONAL HOLD

CONFIDENTIAL

PAGE 03 MANILA 00907 211111Z

PROCEDURES, AS REQUIRED BY THE USG OBLIGATION UNDER THE MBA ARE COMPLIED WITH OR EVIDENCE THAT CRIMINAL CHARGES HAVE BEEN FILED IN APPROPRIATE PHILIPPINE COURT AGAINST THE INDIVIDUAL CONCERNED. FURTHER, THE UNITED STATES GOVERNMENT WISHES TO SET FORTH ITS UNDERSTANDING OF THE CLASSES OF PERSONS WHO MAY ENTER OR EXIT THE PHILIPPINES THROUGH THE BASES AND THE REQUISITE DOCUMENTATION, AS FOLLOWS: PARA). IT IS AGREED THAT IN ADDITION TO THE PERSONS SPECIFIED IN

ARTICLE XI OF THE MBA, THE FOLLOWING PERSONS MAY ENTER AND EXIT THE PHILIPPINES THROUGH THE UNITED STATES MILITARY BASES: PARA (A) MEMBERS OF THE UNITED STATES ARMED FORCES TRAVELING THROUGH THE PHILIPPINES IN DIRECT TRANSIT TO ANOTHER PORT OF DESTINATION; PARA (B) MEMBERS OF THE UNITED STATES ARMED FORCES TRAVELING TO OR FROM THE PHILIPPINES ON LEAVE; PARA (C) CIVILIANS EMPLOYED BY OR UNDER A CONTRACT WITH THE UNITED STATES ARMED FORCES TRAVELING THROUGH THE PHILIPPINES IN DIRECT TRANSIT TO ANOTHER PORT OF DESTINATION; PARA (D) CIVILIANS EMPLOYED BY OR UNDER A CONTRACT WITH THE UNITED STATES ARMED FORCES TRAVELING TO OR FROM THE PHILIPPINES ON LEAVE; PARA (E) DEPENDENTS OF MEMBERS OF THE UNITED STATES ARMED FORCES AND DEPENDENTS OF CIVILIANS EMPLOYED BY OR UNDER A CONTRACT WITH THE UNITED STATES ARMED FORCES, WHEN SUCH DEPENDENTS ARE TRAVELING THROUGH THE PHILIPPINES IN DIRECT TRANSIT TO ANOTHER PORT OF DESTINATION OR TRAVELING TO OR FROM THE PHILIPPINES ON LEAVE; PARA (F) CREW MEMBERS OF MILITARY AIRCRAFT OR VESSELS OF ALLIED THIRD COUNTRIES WHOSE VESSELS OR AIRCRAFT HAVE BEEN CLEARED BY THE PHILIPPINES FOR ENTRY INTO THE UNITED STATES BASES, AND COMING AS SUCH CREW MEMBERS; PARA (G) MEMBERS OF THE ARMED FORCES OF THIRD COUNTRIES WHERE PRIOR APPROVAL OF THEIR ENTRY OR EXIT THROUGH UNITED STATES MILITARY BASES HAS BEEN SECURED FROM THE PHILIPPINES; PARA (H) PERSONS ARRIVING AT THE UNITED STATES MILITARY BASES FOR THE PURPOSE OF TREATMENT OR CONSULTATION AT UNITED STATES MEDICAL FACILITIES IN THE PHILIPPINES, AND ATTENDANTS ACCOMPANYING THE PATIENTS; PARA (I) UNITED STATES GOVERNMENT OFFICIALS COMING TO THE PHILIPPINES ON OFFICIAL BUSINESS OF A TEMPORARY NATURE; PARA (J) RETIRED MEMBERS OF THE UNITED STATES ARMED FORCES, AND THEIR DEPENDENTS, UTILIZING UNITED STATES GOVERNMENT TRANSPORTATION. PARA 2. FOR THE PURPOSE OF ENTRY AND EXIT THROUGH THE UNITED STATES MILITARY BASES, IT IS AGREED THAT THE FOLLOWING PROCEDURES

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 MANILA 00907 211111Z

WILL BE FOLLOWED: PARA (A) MEMBERS OF THE UNITED STATES ARMED FORCES SHALL POSSESS UNITED STATES MILITARY IDENTIFICATION CARDS AND TRAVEL OR LEAVE ORDERS ISSUED BY APPROPRIATE MILITARY AUTHORITIES; PARA (B) CIVILIANS EMPLOYED BY OR UNDER A CONTRACT WITH THE UNITED STATES ARMED FORCES, THEIR DEPENDENTS, AND DEPENDENTS OF UNITED STATES ARMED FORCES PERSONNEL SHALL POSSESS PASSPORTS AND TRAVEL OR LEAVE ORDERS ISSUED BY THE APPROPRIATE UNITED STATES MILITARY AUTHORITIES; PARA (C) PERSONS DESCRIBED IN SUBPARAGRAPHS F, G AND I OF PARAGRAPH 1 OF THIS NOTE WHO REMAIN IN THE PHILIPPINES NO LONGER THAN 72 HOURS SHALL POSSESS TRAVEL ORDERS AND, AS APPROPRIATE, MILITARY IDENTIFICATION CARDS OR PASSPORTS; PARA (D) COMPLIANCE WITH NORMAL PHILIPPINE VISA REGULATIONS SHALL BE REQUIRED FOR PERSONS OTHER THAN THOSE DESCRIBED IN SUBPARAGRAPHS A,B, AND C OF THIS PARAGRAPH; PARA (E) ALL PERSONS OTHER THAN CREW

MEMBERS OF AIRCRAFT OR VESSELS ON OPERATIONAL MISSIONS SHALL BE REQUIRED TO PRESENT TO THE PHILIPPINE IMMIGRATION OFFICIAL ON THE BASE FOR EXAMINATION THE DOCUMENTATION REQUIRED BY THE APPROPRIATE SUBPARAGRAPHS A,B, C OR D OF THIS PARAGRAPH. PARA THE EMBASSY WISHES TO PROPOSE THAT THIS NOTE AND THE DEPARTMENT'S ANSWER THERETO WOULD CONSTITUTE AN AGREEMENT BETWEEN THE TWO GOVERNMENTS AND WOULD SUPERSEDE THE PROCEDURES OUTLINED IN THE DEPARTMENT'S UNNUMBERED NOTES OF AUGUST 24, 1961, AND NOVEMBER 15, 1968. UNQUOTE.

6. COMMENT: BELIEVE IT WOULD BE USEFUL FOR EMB TO HAVE ABOVE NOTE READY TO PROVIDE DFA AND IMMIGRATION AT NEXT MEETING. ONE POTENTIAL PROBLEM IS THAT IMMIGRATION TO DATE HAS FOCUSED ONLY ON CLARK. APPARENTLY, GOP NOT AWARE OF EXTENT OF SPACE AVAILABLE TRAVEL AT CUBI NAVAL AIR STATION. NECESSARILY, HOWEVER, AND ANY AGREEMENT WILL NEED TO COVER BOTH BASES. WE WILL EXPLORE THE QUESTION WITH APPROPRIATE GOP OFFICIALS IN DUE COURSE.

7. REQUEST COMMENTS AND APPROVAL.
SULLIVAN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY PERSONNEL, TRAVEL DOCUMENTS, MILITARY BASE AGREEMENTS, CUSTOMS OFFICIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MANILA00907
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750022-0656
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750134/aaaabdta.tel
Line Count: 190
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 274566, 75 (1974)
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 22 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 JUL 2003 by ShawDG>; APPROVED <19 NOV 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MBA NEGOTIATIONS - ARTICLE XI
TAGS: MARR, RP, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006